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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,705

10/01/2003

Kelly M. Butler

D.1613

4599

20350 7590 10/03/2007
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EXAMINER

QIN, JIANCHUN

ART UNIT

PAPER NUMBER

2837

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,705

Applicant(s)

BUTLER, KELLY M.

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/7/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 11-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cipriani (U.S. Pat. No. 4951543) in view of Hannes (U.S. Pub. No. 20050150347).

With respect to claim 1:

Cipriani discloses a stringed instrument (Fig. 1) comprising: a body (2) having exposed front and rear surfaces (Fig. 1); a tuning mechanism (the tuning peg shown in Fig. 1); a neck having one end joined to said body and an opposite end retaining said

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tuning mechanism (Fig. 1); a retainer block (Fig. 4B, the plate embedded in the undersurface of the brace 20, upon which the enlarged end of the string is anchored) distinct from said body (Fig. 4B); a plurality of strings (4) each having a first end secured to said tuning mechanism (Fig. 1), and a second end retained by said retainer block (Fig. 4B).

Cipriani does not mention: said body is a solid body having exposed front and exposed rear surfaces; said retainer block is encompassed by said rear surface.

Hannes discloses a stringed musical instrument (Abstract), including: a solid body (510) having exposed front (500) and exposed rear (550) surfaces (Fig. _8); a retainer block (540) distinct from and encompassed by said rear surface of said body (Fig. _8); a string (600) having a first end secured to a tuning mechanism (10), and a second end retained by said retainer block (Fig. _8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Cipriani and Hannes, by substituting Cipriani's retainer block for Hannes' retainer block in order to apply the invention of Cipriani retainer block to Hannes' solid body string instrument as an intended use, and to provide a better and structurally simple mechanism for retaining the strings on the solid body of the instrument such that the resonant characteristics of the sound board and the overall tonal quality of the instrument are improved (Cipriani, Abstract).

With respect to claims 2-4:

Cipriani discloses: a bridge (6) mounted on said front surface and wherein said strings extend from said tuning mechanism, over said bridge, and through said body to

said block (Figs. 1, 2, 3B and 4B); wherein said retainer block has an inner surface (the side touching the brace 20) and an outer surface (the side upon which the string is anchored) and defines a plurality of channels extending between said inner and outer surface, and each of said strings passes through a different one of said channels (Fig. 4B).

With respect to claims 5, 11-13 and 17:

The teaching of Cipriani includes: said second ends are enlarged to prevent passage through said channels.

Cipriani does not mention expressly: each of said channels comprises a counterbore in the rear surface retaining one of said enlarged second ends; said body defines a cavity retaining said block and intersecting said rear surface; the solid body defines a slot from the front surface through the body, and wherein the plurality of strings extend through the slot.

The teaching of Hannes includes: each of said channels comprises a counterbore in the rear surface retaining one of said enlarged second ends (Fig. _8); said body defines a cavity retaining said block and intersecting said rear surface (Fig. _8); and the solid body defines a slot (520) from the front surface through the body, and wherein the plurality of strings extend through the slot (Fig. _8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Cipriani and Hannes by substituting Cipriani's retainer block for Hannes' retainer block in order to apply the invention of Cipriani retainer block to Hannes' solid body string instrument as an intended use, and

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to provide a better and structurally simple mechanism for retaining the strings on the solid body of the instrument such that the resonant characteristics of the sound board and the overall tonal quality of the instrument are improved (Cipriani, Abstract).

4. Claims 6-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cipriani in view of Hannes, as applied to claims 1-3 and 11 above, and further in view of Kendall (U.S. Pat. No. 5260505).

With respect to claims 6 and 14:

Cipriani in view of Hannes teach the string instrument including the subject matter discussed above. Cipriani further teaches that said block is unitary (Fig. 4B, the plate embedded in the undersurface of the brace 20, upon which the enlarged end of the string is anchored).

Cipriani in view of Hannes do not mention expressly: said block is made of brass.

Kendall discloses a string retained for a stringed instrument wherein said string retainer is made of brass (col. 7, lines 19-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Kendall in the combination of Cipriani and Hannes in order to make the string retainer block more durable (Kendall, col. 7, lines 23-24).

With respect to claims 7, 8, 9, 15 and 16:

Teaching of Cipriani includes: a bridge (6) mounted on said front surface and wherein said strings extend from said tuning mechanism, over said bridge, and through said body to said block (Figs. 1, 2, 3B and 4B); a plurality of strings (4, 4', 4'') each

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having a first end secured to a tuning mechanism (1) and a second end retained by a retainer block (Fig. 4B, the plate embedded in the undersurface of the brace 20, upon which the enlarged end of the string is anchored); wherein said retainer block has an inner surface (the side touching the brace 20) and an outer surface (the side upon which the string is anchored) and defines a plurality of channels extending between said inner and outer surface, and each of said strings passes through a different one of said channels (Fig. 4B).

With respect to claim 10:

Cipriani teaches a plurality of channels through which the strings pass and are fastened (Figs. 3B and 4B) except: wherein each of said channels comprises a counterbore in the rear surface retaining one of said enlarged second ends.

The teaching of Hannes includes: each of said channels comprises a counterbore in the rear surface retaining one of said enlarged second ends (Fig. _8); said body defines a cavity retaining said block and intersecting said rear surface (Fig. _8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Cipriani and Hannes by substituting Cipriani's retainer block for Hannes' retainer block in order to apply the invention of Cipriani retainer block to Hannes' solid body string instrument as an intended use, and to provide a better and structurally simple mechanism for retaining the strings on the solid body of the instrument such that the resonant characteristics of the sound board and the overall tonal quality of the instrument are improved (Cipriani, Abstract).

Response to Arguments

5. Applicant's arguments received 09/07/07 with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-17 are rejected as new prior art reference (U.S. Pub. No. 20050150347 to Hannes) has been found teach, in combination with the Cipriani patent, the claimed invention recited in these claims. Detailed response is given in sections 3-4 as set forth above in this Office Action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

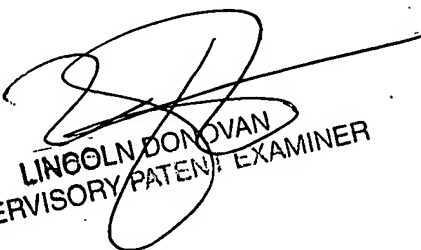
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianchun Qin
Examiner
Art Unit 2837

JQ 


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER